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# **Homicide Investigations** *Identifying Best Practices*

By TIMOTHY G. KEEL, M.S.

Nationally, the number of homicides reported by police departments to the FBI's Uniform Crime Reporting (UCR) Program is on the rise.<sup>1</sup> Equally disturbing, the clearance rate for those crimes continues to decline.<sup>2</sup> Law enforcement officials are increasingly concerned about the reasons for these statistics and what they can do about them. Although most homicide unit supervisors are confident in their detectives' abilities to solve cases, they might be asking themselves if, from a

management perspective, their current practices and procedures allow for the highest possible clearance rate.

To explore these issues, the author conducted a study of homicide units across the country. He developed a questionnaire that pertained to a variety of operational and management issues and focused on how the well-performing units investigate homicides.<sup>3</sup> Departments chosen for this study met two criteria: 1) they have more than 25 HPY (homicides per year) over a 5-year average, and

2) they submit crime data for the UCR Program.<sup>4</sup> Eighty-one departments received questionnaires, and 55 completed and returned them.<sup>5</sup> This article is a result of those responses.

## **THE STUDY**

### **Clearance Versus Conviction**

The standard of success for a homicide unit traditionally is measured by its clearance rate, which typically refers to the number of actual arrests and the charging of an offender. Some units, however, use a different



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***The creation and  
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*Mr. Keel, a retired homicide commander, currently serves as a major case specialist for the FBI's National Center for the Analysis of Violent Crime.*

measurement of success by referring to their conviction rate.

The clearance rate is an easily obtainable statistic and more directly affected by the homicide unit. Conversely, many indirect, nonhomicide unit-related factors affect the conviction rate, if the actual percentage can even be ascertained. These factors include jury selection, witness testimony, ability of the prosecutor to present a case to a jury, and the quantity and quality of evidence. While a homicide investigator ultimately seeks a rightful conviction, for the purpose of comparing law enforcement departments in this study, the clearance rate gauged performance.<sup>6</sup>

### **Selection of Detectives**

The study found that the process for selecting a homicide detective varies from one agency to another and often is determined by departmental policies

and union rules. A majority of departments identified both the formal oral interview and the requests of the homicide supervisor as the preferred methods of selection; a written test was used the least. While over 80 percent of the departments did not consider an appointment to the homicide unit as a promotion, over 70 percent thought of it as an elevated position. In examining a particular candidate for a homicide assignment, 64 percent of the departments expected that person to have prior investigative experience in some other unit, and 55 percent preferred that the candidate have prior investigative experience.

Current homicide detectives listed such traits as interview and interrogation skills, dedication, experience, patience, common sense, tenacity, persistence, and organizational skills as assets. Examining agencies

with a higher-than-average clearance rate<sup>7</sup> revealed that the average time detectives had in their department was 17.18 years. Further, the average time spent in uniform patrol was 6.71 years; an investigative unit, 9.66 years; and the homicide unit, 6 years. The average age of the detectives was 42.25 years, and their average years of education totaled 14.81.

### **Case Handling**

All homicide units, regardless of size, typically work more than just homicides. Almost every unit in this study handled all police-involved shootings and any death that occurred while someone was in police custody, irrespective of the cause of death. Indicative of collateral duties, less than one-half of the departments that responded (41.8 percent) also worked non-fatal shootings, and 40 percent handled serious assault cases. The remaining departments reported that these calls were handled by district or station detectives (41.8 percent), some type of central detective squad (30.9 percent), or uniform patrol officers (32 percent).<sup>8</sup>

### **Personnel Rotation**

The issue of rotating detectives out of the homicide unit after a set period of time, regardless of their effectiveness as an investigator, is a relatively new phenomenon plaguing



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many supervisors. While the concept of a rotation policy may have benefits from a management perspective, this study suggested that chiefs considering implementing such a policy for homicide detectives should proceed cautiously. For example, only 3 of the 55 departments had a rotation policy of any type within their detective division. No department with an average of over 80 HPY reported having a rotation policy for homicide detectives. Even agencies that currently have a rotation policy extend the period of time that a detective can remain in the unit.

### **Caseloads**

One of the primary questions in this study concerned caseload. Almost every homicide supervisor would like to have more detectives to effectively investigate each case. Fighting for limited resources and demonstrating the need for additional detectives are difficult without some accepted standard of what should comprise a detective's annual caseload. This study indicated that a homicide detective handles an average of five cases annually as a primary investigator. Statistically, departments with detectives who handled fewer than five per year as a primary investigator had a 5.4 percent higher clearance rate than those with detectives who had higher case loads.

### **Indoor Versus Outdoor**

This study examined the percentage of homicides that occurred inside a location, as opposed to outside. Overall, departments reported that 36.6 percent of their homicides occurred inside a location, and 63.2 percent happened outside. The study also analyzed agencies with a majority of homicides inside and then compared their clearance rate with those with a majority that occurred outside. Those with a majority that occurred inside had a 10.2 percent higher clearance rate.

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***One of the primary questions in this study concerned caseload.***

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### **Investigative Tools**

Detectives often use specialized tools to assist them in investigations. Almost 93 percent of the departments reported that the polygraph was available, while 34.5 percent used a computer voice-stress analyzer. Almost 90 percent used blood-stain-pattern analysis, and those departments had a 4.8 percent higher clearance rate. One-half of the respondents used criminal investigative analysis (criminal

profiling), and they had a 5.7 percent higher average clearance rate. Only 16.4 percent of the departments reported using statement analysis; however, these departments had a 5.2 percent higher clearance rate.

### **Compstat**

Many departments today participate in some form of compstat process, such as collecting, analyzing, and mapping crime data and other essential police performance indicators, and holding police managers accountable for their performance as measured by these data.<sup>9</sup> This study examined whether a department used a compstat process and then compared the clearance rates of those departments that did with those that did not. Those that did (67 percent) had a 3.3 percent higher clearance rate. Further, the study found that almost two-thirds of the departments that used this process sent a representative to the compstat meetings. Almost all (92 percent) sent the homicide commander; 42 percent also sent a homicide supervisor. Only 17 percent had the actual primary investigator attend.

### **Computerized Case Management System**

In today's computer-savvy world, many people assume that every modern homicide unit has a computerized case management system (CCMS). While

the advantages are obvious, they also can be financially burdensome for some departments. In this study, 64 percent of all responding departments had a CCMS for their homicide unit, with 62 percent of those sharing this information with other criminal investigation units. Computerized neighborhood-canvass forms and vehicle-stop information often enhance investigations with potential leads.

Departments were further grouped among their frequency of homicides. In examining CCMS, a significant difference existed among those

departments in the 25 to 49 HPY group—those with a CCMS had a 5 percent higher clearance rate. Further, those departments with 100 or more HPY that had a CCMS but also had a relational capacity to flag names from one case to another had a rate 5.5 percent higher.

### **Overtime Usage**

Most departments cope with decreased financial resources. A detective working overtime often can represent a delicate balance between department-wide efforts to stay within a strict budget and what is necessary to further, follow up on, or

strengthen a case for arrest or prosecution. The balance between monitoring overtime authorization for possible abuse versus curbing the morale and enthusiasm of a detective eager to make an arrest can prove complex. The results of this study indicated that 76.4 percent of the departments required supervisory approval to permit detectives to work overtime. However, the departments that did not have that requirement had a 9 percent higher clearance rate. Eighty percent of the departments reported no limit to the amount of overtime a detective can work, and they

### **Keys to a Successful Homicide Unit**

- No more than five cases per year as a primary for each detective
- Minimum of two, two-person units responding initially to the crime scene
- Case review by all involved personnel within the first 24 to 72 hours
- Computerized case management system with relational capacity
- Standardized and computerized car-stop and neighborhood-canvass forms
- Compstat-style format
- Effective working relationships with medical examiners and prosecutors
- No rotation policy for homicide detectives
- Accessibility to work overtime when needed
- Cold case squads
- Investigative tools, such as polygraph, bloodstain pattern analysis, criminal investigative analysis, and statement analysis
- Homicide unit and other personnel work as a team

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had a 9.2 percent higher clearance rate than those with limits. A majority of departments (87.3 percent) reported no stringent rules that made working overtime difficult, and they had a 6 percent higher clearance rate than those with such policies. These high percentages possibly indicate that most departments with high clearance rates do not have blanket rules to discourage overtime use. This finding implies that most detectives are cognizant of the circumstances of a particular case and also have the flexibility to make decisions concerning overtime approval based on their own judgment.

### **Cold Case Squads**

While all detectives want to solve every case, the reality is, despite their best efforts, some remain unresolved. These cases haunt the victim's family, the community, and the case detective. A fresh look at a cold case and a more recent analysis of evidence concerning it can generate new leads and provide resolution for those involved. The creation and use of cold case squads (CCS) have become more prevalent as investigative commanders realize the potential of such a unit.<sup>10</sup>

Of the departments in this study with clearance rates above the national average, over 80 percent had some type of CCS.<sup>11</sup> (This figure would be higher,

except several departments with high clearance rates had few unsolved cases; therefore, the establishment of a full-time CCS was unnecessary.) The advances in forensic science have revolutionized the case clearance opportunities for a homicide investigator and even more so for a cold case investigator. Because of scientific advances, evidence that may have been forensically worthless 10 years ago now may lead to the identification of an elusive suspect.

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***The role of the prosecutor varies significantly from one locale to another.***

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Investigators should uncover and review cold cases that could benefit from new forensic analysis and submit the necessary paperwork to reanalyze evidence and reevaluate leads.

The objective of a CCS is to identify and arrest the offender, removing a violent person from the street and giving the victim's family some closure. There also is a distinct administrative advantage for having a CCS: following UCR guidelines, a department gets credit

for a clearance in the year the clearance (arrest) is made, regardless of what year the actual homicide occurred. Therefore, receiving credit for a clearance without having incurred a homicide in that year (the homicide already was counted in the year it occurred) statistically increases the department's overall clearance rate. In this study, several departments went from a below-average UCR clearance rate to an above-average one based solely on the performance of and clearances made by their CCS.

### **Prosecutors' Role**

The role of the prosecutor varies significantly from one locale to another. While prosecutors and homicide detectives work together on a case and share the ultimate goal of a successful prosecution, they have different perspectives on how to accomplish this based on the nature of their duties and responsibilities.

When asked if prosecutors respond to the initial homicide scene, 60 percent of the departments said they rarely do; 18.2 percent do so only when requested by the investigator; and 16.4 percent advised that prosecutors respond at their own discretion. Eleven percent reported that prosecutors sometimes respond, and 9.1 percent stated that they almost always respond to the initial scene.<sup>12</sup>

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Departments that typically involved a prosecutor in the early stages of an investigation had a higher clearance rate on average. The average clearance rate became progressively lower when prosecutors became involved during the later stages of an investigation. Conversely, departments that *require* detectives to consult prosecutors before issuing an arrest warrant had a 6.6 percent lower clearance rate than those that did not have such a requirement. Perhaps, departments that allow detectives to use their judgment pertaining to prosecutor notification and prosecutors comfortable enough to allow detectives that discretion have a better working relationship.

When asked whether prosecutors typically were able to assist detectives in preparing for court testimony, an overwhelming majority (83.6 percent) stated that prosecutors frequently help them. When asked to describe their homicide unit's working relationship with prosecutors, 78.2 percent rated it as either good or excellent. Those that characterized their relationship this way had a 6.2 percent higher clearance rate than those that rated it as fair or poor.

### **Individual Surveys**

The departmental questionnaire incorporated individual surveys for detectives, supervisors, and each commanding officer. Over 400 detectives

and more than 125 supervisors responded. When questioned about the biggest barrier to achieving higher homicide clearance rates, one common theme occurred among all ranks: the lack of public/witness cooperation. Personnel shortages were second and legal/prosecutor issues third.

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***Departments that use joint resources and work together toward achieving a common goal experience a multitude of benefits.***

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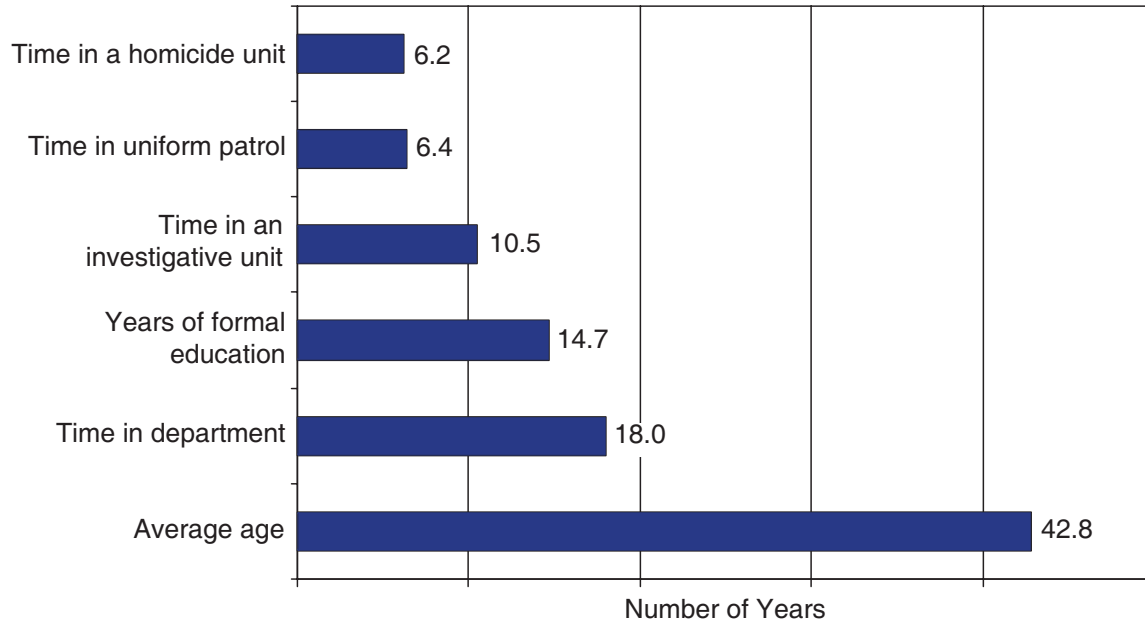
The individual surveys also identified the most valuable assets for a homicide detective. Supervisors listed communication skills first, and detectives ranked them second. Detectives who listen more than they talk can efficiently use their communication skills, which helps them to properly “read people.” The ability to solicit and analyze information provided by potential suspects, witnesses, and family members results in a more competent detective.

Detectives listed interview and interrogation skills as their number one asset. Commanders and supervisors ranked them second and third, respectively.

Homicide detectives commonly report that to be successful, they must have interview and interrogation skills to get someone to utter the truth. Without this ability, arrests and convictions are difficult to achieve. While protection of civil and constitutional rights is paramount, news and entertainment programs that both depict suspects successfully eluding police questioning and educate viewers on forensic techniques challenge today's homicide detectives more than ever before.

The individual surveys examined a multitude of subject areas. One common theme continuously surfaced among all levels in successful homicide units: teamwork. All detectives, commanders, crime lab personnel, and prosecutors know that it takes an extremely dedicated group of individuals to work together in a genuine, fully professional manner. Further, it requires leadership, motivation, and direction from the top to the bottom of the investigative chain, with managers setting the tone. Most departments have strong teamwork within their own squads and probably within their own shifts, but it proves difficult to get all entities working in sync toward the resolution of an arduous task. Genuine teamwork is required for such simple duties as receiving a phone message or requesting that someone transcribe tapes to the more complex tasks

**Detective Averages,  
all participating departments**



involved in having the entire unit help conduct interviews at a 12-witness scene. The presence or absence of professional teamwork may have the biggest intangible impact on whether a homicide case is solved.

#### **Additional Traits**

Departments that responded to the study mentioned additional traits of successful homicide units. Although they did not prove to significantly increase clearance rates, the author shares them to help agencies better evaluate their practices.

##### *Initial Detective Response*

The reality of personnel, logistics, and resources influence

how many homicide detectives respond to the initial crime scene. Results from this study indicate that over 60 percent of departments have at least three or more detectives initially responding. The flexibility of a secondary detective independently mobile proves beneficial in the initial stages of an investigation. Based on the totality of this study, a minimum of two, two-person detective teams should respond to the initial crime scene with a detective supervisor.

##### *Case Review and Follow-Ups*

In examining how soon a case is reviewed by all

personnel involved, 58.2 percent reported a review within the first 24 hours and 70.9 percent within 72 hours. Of those departments that experienced clearance rates higher than the national average, 65.2 percent had a case reviewed by all personnel within 24 hours and 82.6 percent within 72 hours.

Almost all departments (89.1 percent) reported that they have at least one type of system in place to ensure that all follow-up investigations are conducted in a timely manner. Most (60 percent) simply were informally reviewed by the supervisor; others (23.6 percent) were set up in a tickler file; 20 percent were left to the



discretion of the detective; and 18.2 percent were automatically generated by a CCMS.<sup>13</sup>

### *Antigang Squads*

Of the 55 departments that responded, 40 (72.7 percent) had an antigang squad. The number of gang detectives ranged on average from 7.7 detectives in the 25 to 49 HPY group, 16.7 detectives in the 50 to 99 HPY group, and 23.6 detectives in the over 100 HPY group. Of all of these groups, 87.2 percent reported that their

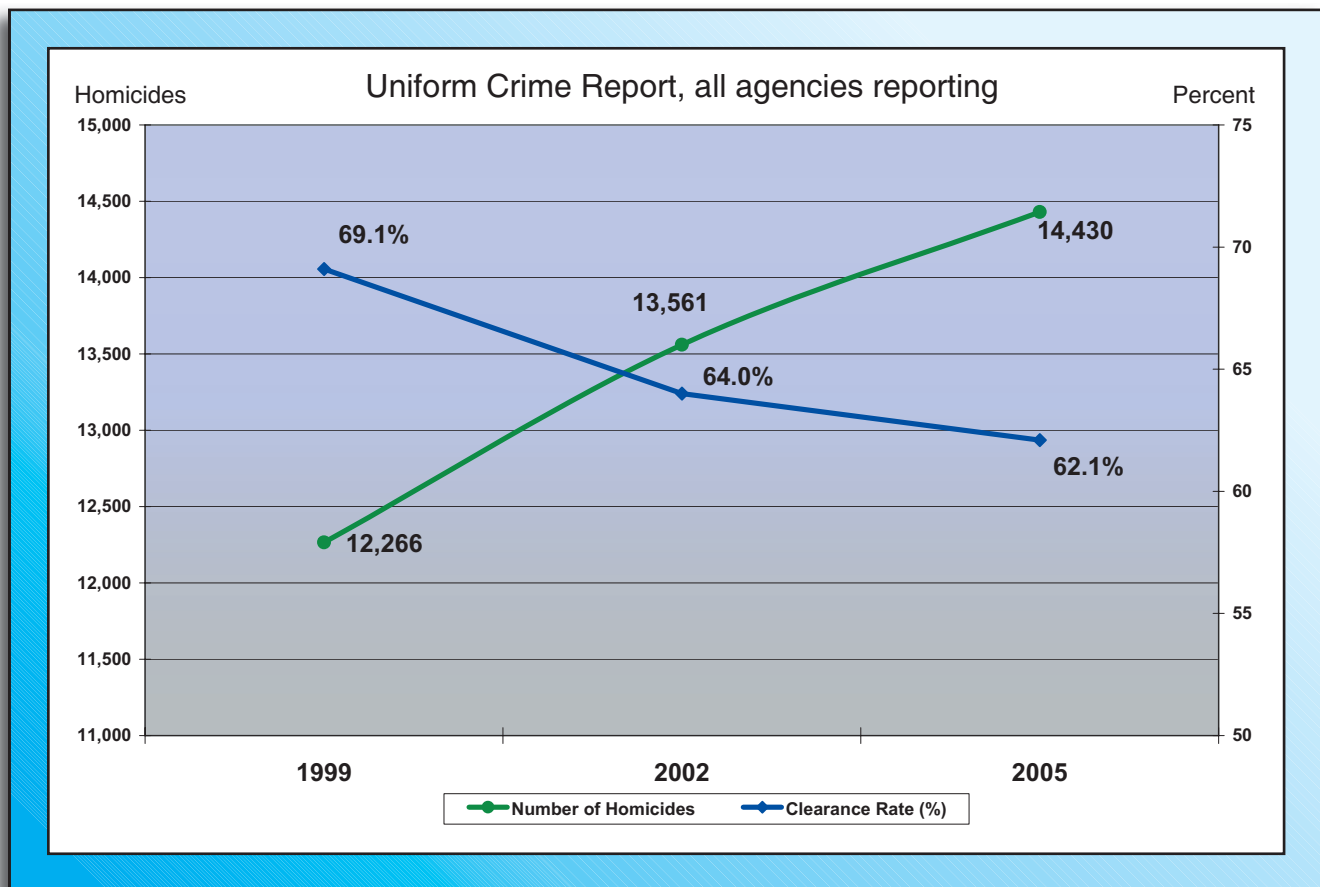
antigang squads actively assisted in homicide investigations.

### *Task Forces*

The FBI's National Center for the Analysis of Violent Crime (NCAVC) helps a variety of departments that do and do not work with task forces. Departments that use joint resources and work together toward achieving a common goal experience a multitude of benefits. Most police detectives take ownership and pride in their cases and may suddenly

find themselves in the position of having to share case-sensitive information with persons outside their department. Politics, laws, and departmental policies may inhibit multiagency cooperation. Detectives and, more important, managers should recognize these issues and find effective avenues of communication and information sharing long before a crisis occurs or joint task force involvement becomes necessary.

When asked if their department participates in or has



access to any state, federal, or local task force squads that can or do assist in homicide investigations, 83.6 percent responded that they do, and another 10.9 percent stated that they sometimes do. Of those, 69.1 percent noted that task forces are used either sometimes or frequently. More important, 80 percent of the departments advised that task forces sometimes are effective as an investigative tool.

### *Medical Examiners*

The study also asked several questions pertaining to departments' medical examiner (ME) or coroner systems: 65.5 percent had an ME system; 29 percent, a coroner system; and 5.5 percent, both. Sixty percent stated that detectives are required to attend the autopsy. A variety of reasons support the detective's mandatory attendance at the autopsy of a homicide victim, such as allowing the ME to ask the detective pertinent questions that may arise from the examination and enabling the detective to ask the ME direct questions about information pertaining to the victim's injuries and abnormalities. This process also fosters a better chain of custody for evidence and decreases the chance of a communication breakdown on potentially critical issues that may surface during the investigation or trial, resulting in tremendous negative effects.

When asked if detectives are provided with a detailed sketch and photos of the victim's injuries, an overwhelming majority (92.7 percent) responded that the ME/coroner's office provided them. When asked how they would rate their working relationship with the ME/coroner, almost 90 percent rated their relationship as either good (29.1 percent) or excellent (60 percent).

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***Investigators should uncover and review cold cases that could benefit from new forensic analysis....***

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### **CONCLUSION**

Unfortunately, no single procedure will guarantee a higher clearance rate for homicide units. But, by assessing how successful ones operate, commanders and supervisors will have additional options to exercise that can maximize their departments' performance. They can evaluate the best practices and implement what they believe will work to improve their agency's homicide clearance efforts. ♦

### **Endnotes**

<sup>1</sup> <http://www.fbi.gov/ucr/05cius/>

<sup>2</sup> Ibid.

<sup>3</sup> The questionnaire consisted of 103 questions and a statistical sheet covering homicide data from 2000 through 2004.

<sup>4</sup> The departments originally were identified using Bureau of Justice Statistics information for all departments that submit data.

<sup>5</sup> These 55 departments represented 27 states, covered jurisdictions ranging in population from under 100,000 to over 3 million, and employed from 60 to 8,500 personnel.

<sup>6</sup> The clearance rate was determined by averaging the annual reported rates from 2000 through 2004.

<sup>7</sup> The author derived this figure by averaging the reported current-year clearance rate over the 5-year period of 2000 through 2004 and then examining departments above the mean.

<sup>8</sup> Some departments gave multiple responses, resulting in percentages totaling more than 100.

<sup>9</sup> <http://www.ppdonline.org>

<sup>10</sup> For additional information about cold case homicide investigations, see Leonard G. Johns, Gerald F. Downes, and Camille D. Bibles, "Resurrecting Cold Case Serial Homicide Investigations," *FBI Law Enforcement Bulletin*, August 2005, 1-7.

<sup>11</sup> Supra note 7.

<sup>12</sup> Supra note 8.

<sup>13</sup> Supra note 8.

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*The author extends his appreciation to Mrs. Yvonne Muirhead, NCAVC, Behavioral Research Group, for her valuable assistance in formatting and analyzing the analytical and statistical data provided and to Dr. John Jarvis, Behavioral Science Unit, FBI Academy, for his support and advice in reviewing both the questionnaire and article. He also thanks all of the homicide detectives and commanders who offered their time and effort to submit their data. This study would not have been possible without them, and it is for them that he conducted this study.*

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# Leadership Spotlight

## Was Hitler a Leader?

*The architecture of leadership, all the theories and guidelines, falls apart without honesty and integrity. It is the keystone that holds an organization together.*

—Donald T. Phillips

**W**e intuitively recognize the relationship between ethical behavior and leadership. Indeed, in their extensive research over many years in many countries, Kouzes and Posner found honesty as the single most important ingredient in effective leadership. “It’s clear that if people anywhere are to willingly follow someone..., they first want to assure themselves that the person is worthy of this trust. They want to know that the person is truthful, ethical, and principled.”<sup>1</sup> Yet, is ethical conduct a requisite component of leadership? Do aspiring leaders have to embrace a sense of morality and ethics to be considered leaders? Was Hitler a leader?

I have asked this question in classes for years. The majority of the members will declare that Hitler was a leader, albeit an immoral one. However, a few will raise their hands in defiance asserting that he should not be considered one. They will agree that Hitler had many leadership qualities, such as great planning and organizing skills, enthusiasm and passion, and clearly an ability to mobilize others to a cause. Yet, the quality that eluded him was a moral foundation. Call him a tyrant, a dictator, or even a supreme ruler, but do not call him a leader.

Most everyone recognizes the value of ethics in leadership. The debate really revolves around the distinctive integration of these concepts—about how we actually define

leadership. If leadership simply involves influence, direction, and power, ethics can be separated from it. Yet, this definition is not complete. Leadership also implies influencing others in an ethical manner toward an ethical end. As Donald Phillips asserted, “The architecture of leadership, all the theories and guidelines, falls apart without honesty and integrity. It is the keystone that holds an organization together.”<sup>2</sup>

While such a discussion can be likened to a game in semantics, it does have real value with regard to the merit leaders and followers place on ethical behavior. These debates actually focus and frame the way we look at leadership. So, was Hitler a leader? As the revered James MacGregor Burns replied to this very question, “Hitler ruled the German people, but he did not lead them.”<sup>3</sup> ♦

### Endnotes

<sup>1</sup> J. Kouzes and B. Posner, *The Leadership Challenge: How to Get Extraordinary Things Done in Organizations* (San Francisco, CA: Jossey-Bass Publishers, 1987).

<sup>2</sup> D. Phillips, *Lincoln on Leadership: Executive Strategies for Tough Times* (New York, NY: Warner Books, 1992), 52.

<sup>3</sup> J. Burns, *Transforming Leadership* (New York, NY: Grove Press, 2003), 29.

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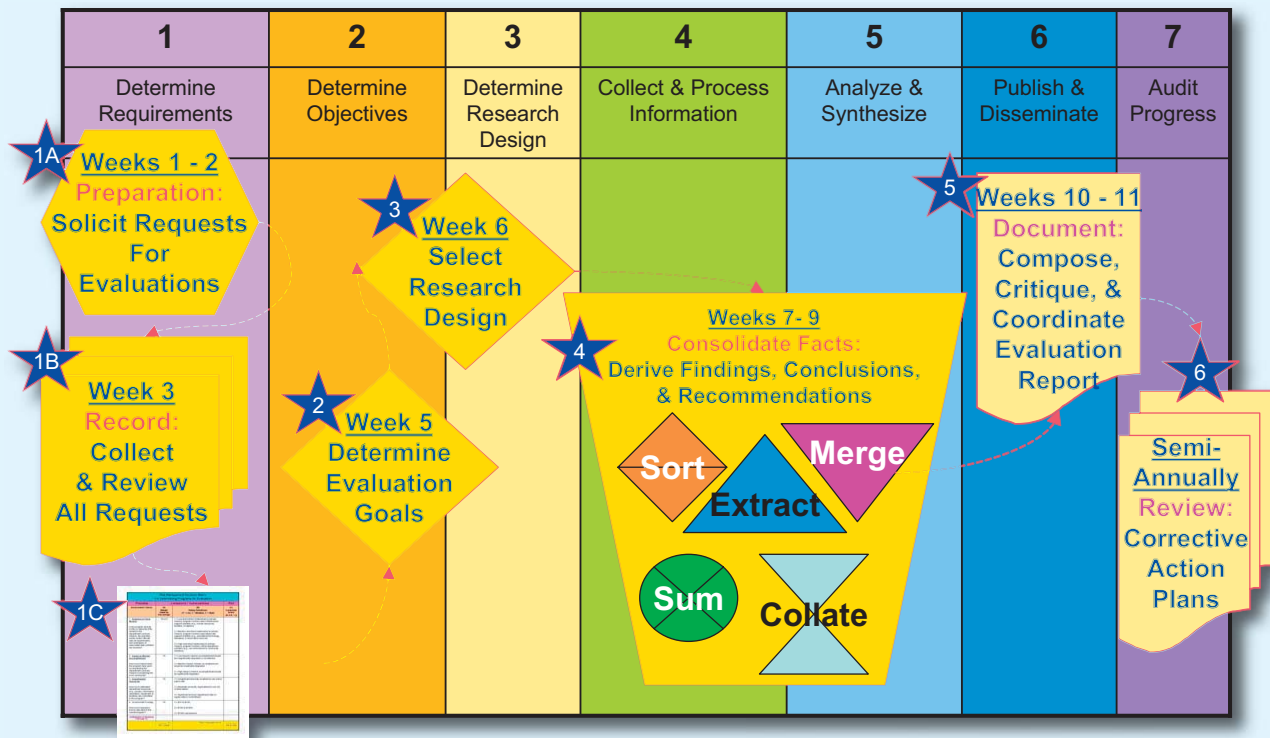
*Dr. Jeff Green, chief of the Leadership Development Institute at the FBI Academy, prepared Leadership Spotlight.*

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# Program Evaluations

## Improving Operational Effectiveness and Organizational Efficiency (Part Three)

By W. DEAN LEE, Ph.D.



**Seven-Phase Evaluation Management Process**

Parts one and two of this article discussed the availability of several reference sources,<sup>1</sup> the benefits of conducting program evaluations, timing considerations, and the first four phases of a seven-stage evaluation management process.<sup>2</sup> This concluding article will focus on the remaining three steps.

### Phase 5: Analyze and Synthesize

Analysis entails the separation and detailed examination of all related information within each category to derive supportable findings, conclusions, and recommendations. Specific analytical techniques will vary depending upon the program being evaluated. As detailed in

phase 3 in the second part of this article, a combination of two popular methods may be used, along with related presentation formats.

- Qualitative analysis determines the program's fundamental nature involving its characteristics and structures; identifies unique challenges, such as



difficulties relating to concepts, personnel, training, operations, organization, institution, culture, interactions, logistics, leadership, and management; and uses descriptive narratives to present subjective findings.

- Quantitative analysis determines the program's overall proportions involving relationships and magnitude; identifies performance and reporting challenges, including dilemmas relating to comparative performance measures, internal auditing, and external feedback problems; and uses numbers, statistics, tables, figures, and images to present objective findings.

Synthesis involves the merging of analyzed information into meaningful findings, conclusions, and recommendations.

In general, findings and conclusions may be based on a combination of two basic logic methods.

- Deductive reasoning infers from general principles or given standards, such as "the antigang task force's informant program is less than fully effective based on the department's own standard for recruiting a minimum of two or more reliable informants, unknown to each other but with knowledge of the same gang activity, to provide independent collaboration of intelligence reports."
- Inductive reasoning derives a general conclusion from particular facts or incidents, such as "the antigang task force's informant program is less than fully effective

based on the past year's record that 48 out of 56 received informant reports were completely erroneous."

Findings may be further developed and critiqued based on certain criteria that can highlight both the positive and negative aspects of the program and focus on providing useful information to the program managers. They also can be supported by facts and details and defended when challenged; be void of the evaluators' personal preferences, biases, and animosities; and be free of the evaluators' distortions and misinterpretation of facts.

Several related findings are used to support one conclusion. For example, one finding may be that "the department recruited only one informant from two separate gangs and no informants for any of the five remaining known street gangs," whereas a second one may note that "last calendar year only 8 of the 56 received informant reports were accurate." These two findings supported the conclusion that "the department's antigang task force's informant program is ineffective due to the lack of sufficient numbers of reliable informants for each known local gang and the overall receipt of inaccurate informant reports." Each conclusion may be considered as complete when four rudiments are discussed.



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***Specific analytical techniques will vary depending upon the program being evaluated.***

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*Dr. Lee, originator of the FBI's Blue Book for Program Evaluation, heads the Organizational Program Evaluation and Analysis Unit at FBI Headquarters.*

- 1) What decisive factors or standards are peculiar to the program?
- 2) What unique circumstances or environment are involved with the program?
- 3) What are the results or consequences of the plans, priorities, policies, procedures, and performances?
- 4) What are the identified causes for specific dilemmas or obstructions?

Each conclusion should have its own associated recommendations either for positive change or to maintain the status quo. For example, using the previous scenario, two recommendations may be 1) “task force, street patrol, and school-assigned officers should increase their active recruitment for additional reliable gang informants” and 2) “to provide better incentives (e.g., legitimate job referrals and education opportunities for informants and their family members, relocation assistance, or monetary support for essential expenses) to recruit and retain trustworthy informants.”

In some instances, recommending select types of changes may not be feasible: for example, improvement costs that would far exceed the overall benefits possibly gained, a lack of supporting resources, or other unnecessary second- and third-order adverse effects that

may be created. Recommendations should highlight proposed improvements and how detected or reported problems may be remedied. Each one should be uniquely crafted and thoroughly critiqued according to completeness, acceptability, practicality, vision, exclusivity, and suitability, known as the CAPVES criteria.

- Completeness: sufficiently addresses who, what, where, when, why, and how; presented in an objective and tactful manner; and is brief, clear, and concise

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***Each conclusion should have its own associated recommendations....***

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- Acceptability: suitable given available resources and conditions; reasonable to the program managers and other stakeholders; and proposed by a creditable source or subject matter expert
- Practicality: feasible in view of known facts; viable in effectively preventing or mitigating risks; does

not conflict with already planned changes; and offers maximum improvement using minimum resources

- Vision: realistic toward averting future problems; projected benefits outweigh the assorted human and economic costs; is appropriate given present and future operating conditions; and considers the beyond the horizon second- and third-order effects of future implementation
- Exclusivity: sufficiently different from other recommendations; combines several related suggestions to be more effective; and does not conflict with other proposed recommendations
- Suitability: appropriate toward achieving the desired end state; adequate in offering effective and desirable results; and possible to execute within projected resources

#### **Phase 6: Publish and Disseminate**

All findings, conclusions, and recommendations should be assembled into an evaluation report that should contribute positively to decision making when the findings are credible and informative, the conclusions are valid and convincing, and the recommendations are useful and feasible. Publication involves

### Standards of Excellence for Evaluation Reports

- **Accuracy:** All findings are factual as best as can be determined and fully supportable by substantiating evidence.
- **Fairness:** All information is presented in a direct and straightforward fashion without overemphasis or exaggeration of any positive or deficient findings.
- **Impartiality:** All conclusions and recommendations are objective and free of the evaluators' own personal preferences or animosities.
- **Thoroughness:** All essential information needed to fulfill the research objective is provided.
- **Persuasiveness:** The report is sufficiently influential to meet the stakeholders' expectations and needs with valid findings, reasonable conclusions, and beneficial recommendations and all flowing logically from the facts presented.
- **Clearness:** All information is presented in straightforward and simple language easy to read and comprehend.
- **Briefness:** The report will be only as long as needed to successfully fulfill the evaluation objectives and to present the required information.
- **Tactfulness:** Overall professional and diplomatic tone of the report will stimulate readers to accept the findings and conclusions and to take corrective actions toward implementing each recommendation.

multilevel quality control reviews, staffing of the coordinating draft for stakeholders' input, and final release of the completed evaluation report for review and action. Evaluators, writers, and supervisors should ensure that findings, conclusions, and recommendations are accurate and complete; analyzed and synthesized information makes technical and common sense and is mutually supportable; contents are not conflicting or confusing, and style and substance are palatable and not overwhelming; assumptions and limitations are fully explained;

analysis and synthesis are free of bias and faulty reasoning; findings and conclusions are impartial, explicit, and convincing; recommendations are practical, timely, and actionable; and substantiating material is correct and understandable.

The format of the final report may vary depending upon the evaluated program and specific reporting requirements. In general, most reports could contain such basic information categories and discussion as—

- executive summary: general synopsis of the report's overall purpose, contents,

and most significant findings, conclusions, and recommendations presented in easy-to-understand language with no technical terms;

- introduction: overview of evaluation process; authority or request to conduct the evaluation; linkage to public accountability; demographics; locations visited; data collected; and research methodology;
- findings, conclusions, and recommendations: detailed and concise discussion of each based on accurate, thorough, and robust

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research and supported by fact-based evidence with no anecdotal, unsubstantiated, or inappropriate remarks;

- assumptions and limitations: discussion of any major suppositions made about the program or any constraints encountered during the evaluation;
- program purpose and design: assessment of whether the program's mission and implementation plans are clear and reasonable; purpose of the program; relationship to other programs; operating environment; capabilities and limitations; use of resources; and achieving desired end states;
- strategic planning: appraisal of whether the program has established valid annual and long-range objectives and performance measures; risk-based assessments to determine requirements, objectives, and needs; prioritization and orchestration of efforts; planning and contingency preparation; and use of resources;
- program management: analysis of the program's management; oversight; improvement efforts; effectiveness of operations and support infrastructure; use of critical and limited resources; information sharing

and protection; accountability of progress and resources; responsiveness to changes; and exploitation of lessons learned;

- program results: evaluation of the program's objective and performance measures; effectiveness of prevention measures and support activities; integration of results with strategic planning and resource forecasting; effectiveness of output products and services; users' satisfaction; and fulfillment of desired outcomes;

***Sufficient time should be given to develop, evaluate, and implement each appropriate corrective action plan....***

- recommendations: list of all opened recommendations that require program managers to develop and implement corrective action plans;
- stakeholders' comments: summary of the primary stakeholders' feedback to the previous circulated draft report, specifically any input

to its findings, conclusions, and recommendations;

- lessons learned: recap of significant lessons learned during the evaluation process; the program and its plans, policies, procedures, and performance; and information useful for future evaluations, programs, and follow-up actions; and
- a glossary of abbreviations, acronyms, and special terms.

### **Phase 7: Assess and Document Resolutions**

To assess and document progress, the evaluators and applicable supervisors appraise the program manager's corrective action plans to ensure each action satisfies the prescribed recommendations and to bring closure to each recommendation in the report. Sufficient time should be given to develop, evaluate, and implement each appropriate corrective action plan, with the suspense requirements adjusted accordingly to meet any unusual circumstances, such as lack of resources or higher priority requirements.

Supervisors of the evaluation should retain authoritative control for the closure of each recommendation, and the program manager should not be allowed to provide self-closure to avoid possible conflicts of



interest. Recommendations should stand as originally presented in the evaluation report but may be modified or removed if substantial error (e.g., receipt of erroneous information, improper calculation of data, or flawed analysis), substantial confusion (e.g., conflicting or ambiguous language, incorrect linkage between findings and recommendations), or substantial changes (e.g., major organizational realignments,

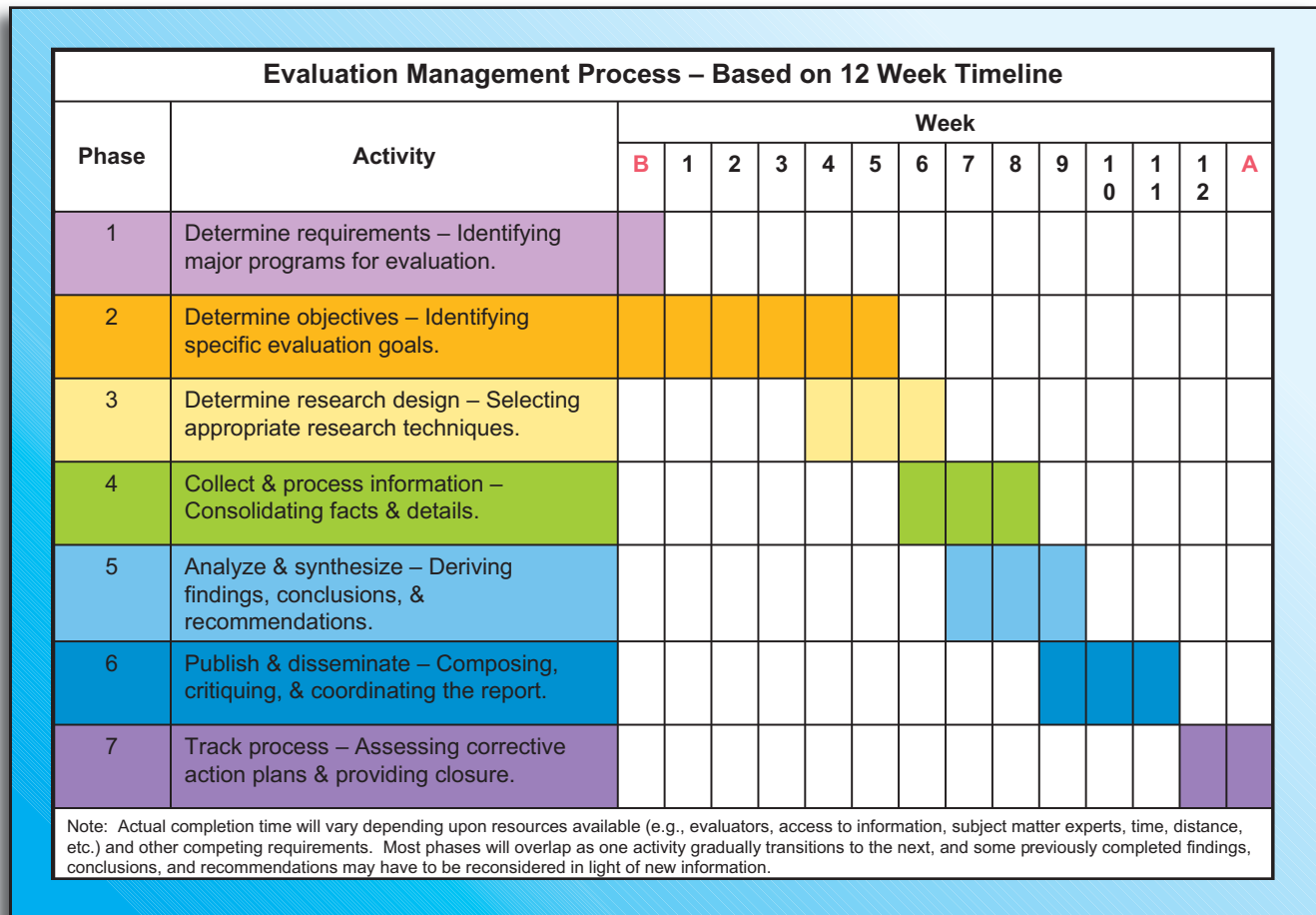
operational changes, or program closures) have developed to render a recommendation invalid, impractical, or pointless.

As shown in the accompanying figure on time line milestones, each phase within the evaluation management process will overlap as information discovered during any phase may necessitate a reassessment of previous research and analysis, specifically to determine any impacts and changes to other

initial findings, conclusions, and recommendations. In essence, most evaluations will be interactive throughout the data collection, analysis, synthesis, publication, and resolution phases.

## Conclusion

Establishing an integrated evaluation management program will serve both the law enforcement organization and the community it serves. The main



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pillars of any program should consist of core proficiencies and principles of professionalism to guide all evaluations, a comprehensive evaluation management process, and an overarching professional development program to further improve each evaluator's professional credentials.

Conducting independent evaluations of major programs and implementing corrective actions will enhance a program's operational effectiveness and organizational efficiency to

better satisfy the needs of the greater community. Evaluations provide key leaders and program managers with the factual information and options to enhance their program's performance, plans, policies, and procedures; to successfully manage risks and priorities; and to maximize the use of limited resources. ♦

#### Endnotes

<sup>1</sup> U.S. Government Accountability Office, *Government Auditing Standards of 1994* (Washington, DC, 1994); Office

of Management and Budget, *Program Assessment Rating Tool of 2002* (Washington, DC, 2002); President's Council on Integrity and Efficiency, *Quality Standards for Inspection of 2005* (Washington, DC, 2005); and U.S. Department of Justice, Federal Bureau of Investigation, *Blue Book for Program Evaluations* (Washington, DC, 2007).

<sup>2</sup> W.D. Lee, "Program Evaluations: Improving Operation Effectiveness and Organizational Efficiency (Part One)," *FBI Law Enforcement Bulletin*, November 2007, 1-6; and (Part Two), January 2008, 13-18.

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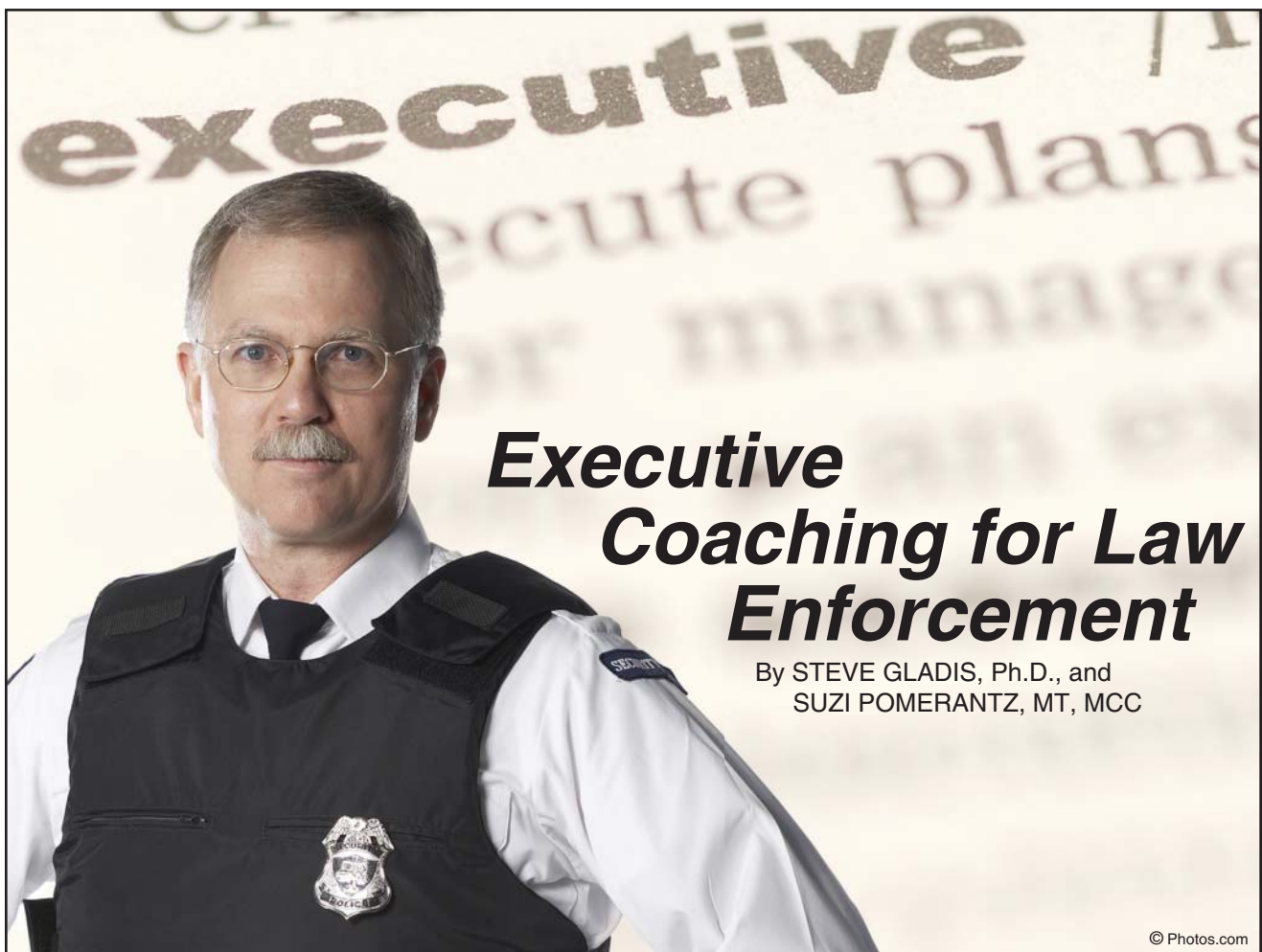
Please forward questions and comments to Dr. Lee at [deanlee@leo.gov](mailto:deanlee@leo.gov).

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## Crime Data

### *Uniform Crime Reports Only Online*

Users of the FBI's Uniform Crime Reports can access these publications only via the agency's Web site at <http://www.fbi.gov/ucr/ucr.htm>. These reports include the annual *Crime in the United States*, *Law Enforcement Officers Killed and Assaulted*, and *Hate Crime Statistics*. The latest editions of these documents cover calendar year 2006 and contain the same type of information available in the printed versions for prior years. For example, the 2006 edition of *Crime in the United States* presents a statistical compilation of offense and arrest data voluntarily reported by more than 17,500 city, county, college and university, state, tribal, and federal law enforcement agencies throughout the country. The report also contains information on the staffing levels of more than 14,000 agencies. If users have questions, they can contact the FBI's Criminal Justice Information Services Division in Clarksburg, West Virginia, at 304-625-4995.



## ***Executive Coaching for Law Enforcement***

By STEVE GLADIS, Ph.D., and  
SUZI POMERANTZ, MT, MCC

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**L**aw enforcement executives experience the stress of a changing world with demands for counterterrorism, community-oriented policing, security, and a host of additional evolving issues. At the same time, they face the pressure of decreasing tax bases, spiraling costs, and other emerging budget concerns. When private corporations face similar challenges, they often turn to executive coaches and consultants for guidance.

While the law enforcement profession periodically employs consultants, a systematic, active use of executive coaches has been minimal.<sup>1</sup> The wave of baby boomers exiting from law enforcement will thrust many individuals into leadership positions without giving them the benefit of mentoring as agencies will have to cope with the loss of highly experienced personnel. Executive coaching can meet the unique needs of law enforcement leadership in such critical times.

### **ONE CHIEF'S DILEMMA**

The chief of a police department with approximately 500 sworn officers is well educated and also well respected by his peers inside the agency and community residents.<sup>2</sup> His county police department has the sophistication (technology, training, and organization) similar to those in most large cities. The chief, other agency leaders, and critical personnel are eligible to retire. The county's proximity to a competitive employment market of other

federal, state, and local law enforcement departments concerned him regarding his own recruitment, retention, and succession planning (R-R-S), so he contacted Dr. Steve Gladis, an executive coach. The chief, a progressive county administrator (the chief's supervisor), and Dr. Gladis worked together to determine the vision of the department in a year if it operated optimally and focused on R-R-S. This group determined the chief's strengths and challenges to optimize them in setting goals and objectives, which also included those of his department. For example, the chief chose to have preliminary R-R-S reports completed by certain dates and required the drafts from his staff. Thus, the chief was the client for the engagement, but he did not personally execute every step himself. While he could have completed this entire project on his own, he readily admits that having an executive coach helped accelerate its accomplishment.

However, the chief took complete responsibility for the plan and actively participated in its execution. For example, one task called for follow-up contact with key officers who had quit the department 6 months or longer ago to find out why they actually left and to ask them if they wanted to return to the department. It was hypothesized

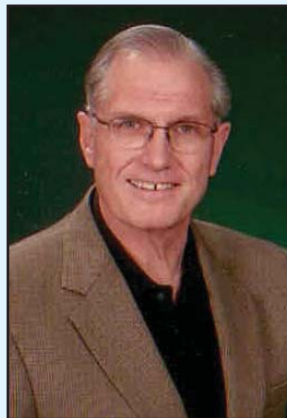
that people often might not express the real reason for leaving a department in formal exit interviews (currently used by this department and many others); therefore, personal contact by the chief might uncover any unwritten retention issues. At the same time, such interviewees were carefully selected as potential rehires.

One interview with a highly regarded officer who left the department for advancement revealed that he actually had resigned because he was not selected for a higher position he temporarily had filled for 6 months. He recounted to the chief that he was told, based on the position description guidelines, that he was not qualified, even though he had operated well in that position and, in fact, had to train his replacement.

During the conversation, the chief learned that this valued officer likely would have remained in the department if another option had been available. The chief admitted that had he known these facts at the time, he would have tried anything to retain such a star employee.

## DEFINITION

Coaching is a \$1 billion industry, second in growth only to information technology worldwide. In fact, a recent survey revealed that coaching contributes \$1.5 billion annually to the global economy.<sup>3</sup> Consulting differs from executive coaching—consultants enter organizations as experts to solve a specific problem. They have a particular area of expertise, such as financial or strategic planning or personnel development.



*Dr. Steve Gladis, a former FBI agent, is president of an executive development firm and an executive coach.*



*Ms. Pomerantz is a master certified coach and heads a leadership coaching and executive development firm.*



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On the other hand, although executive coaches may have a specialty area, they ask probing questions, rather than offer expert judgment, and use a systematic methodology (a five-step process) to lead organizations. Thus, the answers emerge from the executive or team coached, not from the coach. The executive coach drives this solution process through pre-coaching, self-discovery and awareness, goal setting and accountability, action learning and execution, and evaluation and revision.<sup>4</sup>

Executive coaches often resemble psychologists because they ask many questions but give few specific solutions. However, coaches are different from psychologists, and executive coaching and counseling should not be confused. Counseling focuses on the past and root causes of problems presented by patients. Psychologists and psychiatrists have legally mandated licenses and confidentiality rights and a theoretical research basis many years old.<sup>5</sup> On the other hand, coaching, which quickly has become a powerhouse in the boardroom and among leading executives, looks more at the present and future than the past. It is action oriented and seeks accountability and effectiveness. A strong bond of confidentiality exists between the coach and client (the primary relationship in executive coaching), but there is

no legally binding privilege as in law and medical professions.

## STEPS OF THE PROCESS

The coaching process begins when clients realize they want help getting to the next level, solving an issue, or modifying a behavior that might be blocking their pursuit of success. Often, the organization's human resources department or corporate board will not only initiate the process but also pay for it.

“

*...coaching...  
looks more at the  
present and future  
than the past.*

”

### Step 1: Precoaching

This first step consists of precoaching interviews, often with the CEO or human resources department, to identify the client. At this meeting, the coach listens carefully to reasons why the company wants coaching for the executive. Most experienced coaches will refuse to assist organizations that use coaching as a last-ditch solution because the process is about moving forward, rather than pretermination.

If the organization wants the best for the client executive,

coaches are open to the next interview. Usually, clients and coaches quickly determine whether an immediate sense of chemistry exists between them based on the psychological phenomenon known as “thin slicing.”<sup>6</sup> During this interview, coaches ask a series of questions centered around what executives hope to gain from coaching, what they perceive it to be, how it works, and whether they are committed to the entire process. If both meetings go well, coaches typically sign a 6-month contract with the client and company.

### Step 2: Self-Discovery and Awareness

The second step begins with an initial session, which often lasts 2 hours. The coach and client discuss what coaching is and how it differs from consulting and counseling. Coaches discuss several other factors.

- Coaching takes time, energy, and commitment from the client to work.
- The coach-client relationship is confidential except where the law dictates otherwise.
- The ebb and flow of energy in coaching potentially can decrease in the first few months as the work sets in and the initial burst of excitement wanes.
- Coaches help executives identify their “inner voices” that want to keep the safer,

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more familiar status quo. Identifying these inhibiting tendencies early in the coaching process helps both clients and coaches recognize them.

- Coaches also discuss goals, time frames, intended results, reporting, assignments, readings, personal likes and dislikes, and issues related to preparing the relationship for success.

During the next part of this step, which lasts for several weeks, various instruments are used as assessments for insight. For example, coaches might ask clients to use the balance wheel, which reviews areas they do or do not feel content in their lives; examine the strengths-finder indicator;<sup>7</sup> write a short autobiography of themselves; and complete several other exercises to provide data for the coaching engagement.

Finally, if the client agrees, some coaches offer the option of a 360-degree review.<sup>8</sup> Frequently, the CEO, human resources personnel, and client agree up front on what behavioral aspects they want covered in the coaching. This review, which might be helpful, is unnecessary at this point. Rather, it could be relevant later in the process, depending on what results the client and sponsor desire as the relationship grows.

Several instruments used in these reviews are well

researched, reliable, and data driven. They can produce prodigious reports and often propose specific remedies for the client. Other 360-degree evaluations are more qualitative 360-degree interviews asking colleagues to assess the strengths and challenges of the client.

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### Step 3: Goal Setting and Accountability

The common wisdom about goal setting is that people get what they aim for. According to most research, 90 percent of laboratory and field studies that involved specific, articulated, and demanding goals resulted in better performance than easy or no goals.<sup>9</sup> Typically, behavioral objectives consist of the action to take, standard of performance, timing of the action, and finally, results reporting (e.g., being accountable for actions). For example, a behavioral objective for improving internal relations within a company as part of the overall goal “to become a more effective

communicator this year” might be “Internal communications: After 3 months of improved internal communications with my direct reports, I will be able to articulate in writing the strengths and challenges for each person reporting to me.”

External communications objectives might include attending outside events and belonging to industry and community boards to increase outreach. Another such goal might focus on constituent communications. With each of these communications subgoals, a discussion will reveal the potential business impact of each objective if accomplished during the 6-month coaching engagement.

Following interviews with clients and a comparison of clients’ and stakeholders’ observations, the goal-setting process begins. Primarily, coaches ask clients to examine their proposed goals and objectives with stakeholders who may have participated in the 360-degree evaluation or informal interviews. Sharing goals and specific objectives with stakeholders before setting out to achieve them accomplishes several worthwhile purposes. First, clients let stakeholders know that they appreciate their input and value their opinions. Second, it places pressure on clients to live up to publicly stated goals. And, finally, clients gain corporate and moral support to reach

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the goal. When supervisors and peers know a person is working extra hard to improve, they want to support those efforts—especially if, early on, they had a hand in providing input to the process.

#### **Step 4: Action Learning and Execution**

Action learning<sup>10</sup> says that people can learn better if they do so when they 1) need the information, 2) learn it with the help of others, and 3) have effective questions drive the process. Action research (reading, interviewing others, consulting with experts) couples with the execution phase, where coaches work clients through their strategic plan toward their goals. In this step, clients research issues and teach themselves in the process.

Executing the plan, goals, and objectives (on a daily basis for 3 to 6 months) is the core of coaching. This phase is neither glamorous nor easy. There are no immediate results nor is it as dramatic as the discovery or goal-setting phase. The execution phase is slower and more cumulative. However, over time, this plan pays off in large, breakthrough dividends, so clients routinely report on their progress toward goals and objectives. Also, during this phase, clients must get information from stakeholders about the progress they observe clients making.

#### **Step 5: Evaluation and Revision**

How will clients know success when they see it? If coaches have done their job well and clients have cooperated along the journey, clients will have a few successes and even some breakthrough moments. Sometimes, clients will look at something clearly for the first time in years. When this happens, coaches typically congratulate them to celebrate such breakthrough “aha” moments

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***...various instruments are used as assessments for insight.***

”

and recognize their clients’ hard work. Leaders will remember the moment they discover why, for example, a particular advisory board member clashes so often with others, or how they can overcome procrastination at work, curb a temper outburst, find time to work on a strategic plan, take a stand on innovation, or even decide when to move on. Such breakthrough moments are the highlights of the coaching process.

Making even a small but significant change in any person

is difficult, especially in high achievers who believe their success results from certain patterns of behavior (bullying, anger, tantrums), instead of in spite of them.<sup>11</sup> Such behavior might get short-term results but, ultimately, become incredible derailers because such leaders affect greater numbers of people in the organization.<sup>12</sup> Thus, what might have worked before becomes inoperative later. Successful people become almost superstitious about behavior (if it worked then, it will work now). These leaders adapt the same sort of rituals every time they face a new issue. Breaking this cycle may seem minor at first, but the long-term results are substantial both to executives and their organizations. Therefore, even subtle changes in highly influential people mean major changes in organizations.

A powerful evaluation tool is to simply ask stakeholders, “Has [the client] made any progress on goal 1, which was to more clearly communicate a vision on this project to employees?” Alternately, this question can be open-ended, “Describe just what [the client] did to communicate her vision to employees....”

Providing a numeric scale gives the evaluation a degree of quantitative measure to a somewhat qualitative evaluation. Using this technique, coaches can provide clients with a specific

indicator about how far they have come.

At the point in the coaching process when either the coach or client or both sense that the client is at an effective stopping point, clients receive a final report. Coaches use this occasion to carefully recount the journey and then succinctly review all of the steps they have taken together, from the precoaching meeting to self-discovery and awareness, goal setting and accountability, action learning and executing, and evaluation and revision. This review has a remarkable effect; it allows clients to recall every major twist, turn, bump, and straightway encountered from start to finish. Acknowledgement and appreciation, or recognition of results, are important to the completion of the process.

## CONCLUSION

Coaching can meet the unique needs of law enforcement by providing a framework, methodology, and systematic technology for furnishing much-needed support for leaders facing daunting challenges. In law enforcement, executives and key leaders face intense demands, stressful situations, accountability, and isolation. Where do law enforcement leaders find a sounding board and strategy partner? Where do they go to confide in a trusted advisor outside the politics of their field? Who supports the

executives who lead the heroes of law enforcement?

While it probably occurs in an ad hoc manner across the country, a more concerted effort to implement executive coaching should take place in major law enforcement training and development institutions. It is a powerful, cost-effective way to provide support for leaders, leverage their strengths, and maximize their engagement for the benefit of the entire department or force. The return on



value for executive coaching has not been measured specifically for law enforcement, but corporate leaders document a predictable 545 percent return on investment for executive coaching.<sup>13</sup> Imagine the impact on law enforcement if executives increased their effectiveness by nearly 5.5 times. ♦

## Endnotes

<sup>1</sup> An extensive review of the literature revealed little information linking law enforcement and executive coaching. The

authors' contact with the Police Executive Research Forum reinforced this finding.

<sup>2</sup> One of the authors served as the executive coach for this chief. While the chief gave his permission to cite the coaching work as an example to instruct other departments, the authors have chosen not to use his name nor identify his department because of the original confidentiality agreement pledged to him as a client. Further, the chief has read and approved this article prior to publication.

<sup>3</sup> International Coach Federation, "Global Coaching Study," February 5, 2007; retrieved from <http://www.coachfederation.org/ICF>.

<sup>4</sup> Richard Gauthier and David Giber, "Coaching Business Leaders," in *Coaching for Leadership*, ed. Marshall Goldsmith and Laurence Lyons (San Francisco, CA: Pfeiffer, 2006), 116.

<sup>5</sup> Lynn Grodzki and Wendy Allen, *The Business and Practice of Coaching* (New York, NY: W.W. Norton, 2005), 24-42.

<sup>6</sup> Malcom Gladwell, *Blink: The Power of Thinking Without Thinking* (New York, NY: Little, Brown and Company, 2005).

<sup>7</sup> Marcus Buckingham and Daniel Clifton, *Now, Discover Your Strengths* (New York, NY: The Free Press, 2001).

<sup>8</sup> This review combines various perspectives by using feedback from such sources as peers, subordinates, and stakeholders.

<sup>9</sup> G. Latham and Edwin Locke, "Building A Practically Useful Theory of Goal Setting and Task Motivation," *American Psychologist* 57, no. 9 (2002): 705-717.

<sup>10</sup> R.W. Revans, *ABC of Action Learning* (London, England: Lemos and Crane, 1998).

<sup>11</sup> Marshall Goldsmith, "Helping Successful People Get Even Better," *Business Strategy Review* 14 (March 2003): 9-16.

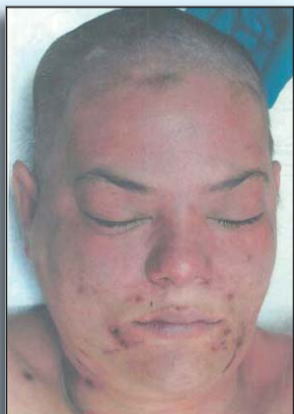
<sup>12</sup> David Dotlich and Peter Cairo, *Why CEOs Fail* (San Francisco, CA: Jossey-Bass, 2003).

<sup>13</sup> Joy McGovern, et al, "Maximizing the Impact of Executive Coaching: Behavioral Change, Organizational Outcomes, and Return on Investment," *The Manchester Review* 6, no. 1 (2001).



## ViCAP Alert

### Unidentified Recovered Body



**O**n March 18, 2007, the nude body of an unidentified female, "Jane Doe," was found in Prairie View, Waller County, Texas, near U.S. Highway 290. Prairie View is approximately 50 miles northwest of Houston, Texas.

The victim appears to be white or Hispanic, approximately 30 years old, 5 feet 4 inches tall, 151 pounds, with brown hair and green eyes. Her teeth were decayed; a dental chart is available for comparison purposes. She had been dead approximately 2 hours.

A plastic bag had been placed over the victim's head and secured with duct tape around her neck. In addition, her hands had been severed from the body and have not been found. The ends of her arms were covered with the same type of plastic bag used to cover her head and were secured to her arms with

duct tape. The victim's head hair and pubic hair had been closely cut. She died of asphyxia due to external neck compression (hyoid bone was broken).

#### Alert to Law Enforcement Agencies

The Prairie View Police Department, Texas Department of Public Safety, and FBI ViCAP Unit request assistance in identifying the victim to determine when and where she disappeared and fell victim to this crime. The unique circumstances of her demise indicate the offender may have committed this type of crime in the past.

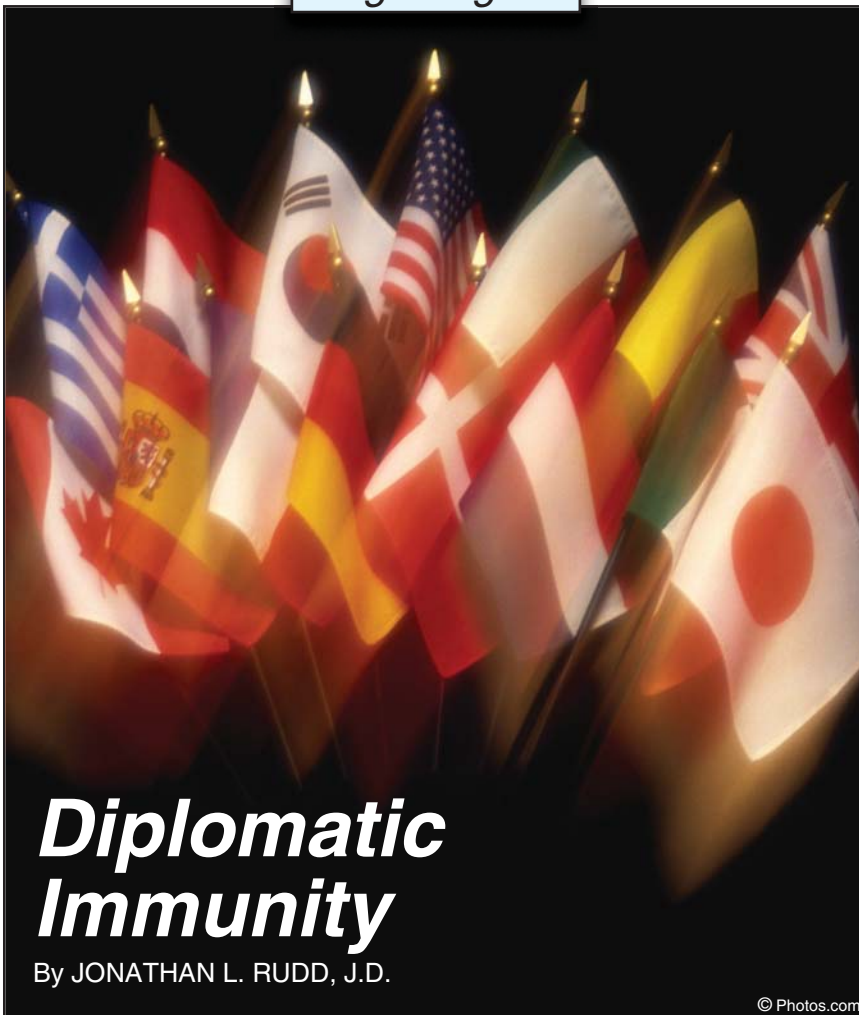
Law enforcement agencies should bring this information to the attention of all homicide, cold case, missing persons, and crime analysis units. If any agency has a similar case (or cases), please contact Sergeant Brian Taylor (refer to case number RA-2007-00126), Texas Department of Public Safety at 979-865-3111 or [brian.taylor@txdps.state.tx.us](mailto:brian.taylor@txdps.state.tx.us); Lieutenant Wilbert White (refer to case number 07-0318-01), Prairie View Police Department at 936-857-3521 or [white7711@aol.com](mailto:white7711@aol.com); or Crime Analyst Rick Blankenship, (refer to case number 2007TX00009) of the FBI's Violent Criminal Apprehension Program (ViCAP) Unit at 703-632-4191 or [rblanken@leo.gov](mailto:rblanken@leo.gov). ♦

## Unusual Weapon

### Tool Card

These pictures show an item the approximate size of a credit card. The plastic case contains a metal knife blade, magnifying glass, flashlight, and two screwdrivers. Law enforcement officers should be aware that offenders may have this tool card in their possession.





# Diplomatic Immunity

By JONATHAN L. RUDD, J.D.

**T**oday, more than any other time in this nation's history, police officers are required to handle incidents involving foreign nationals. Such encounters are generally routine; however, at times, they can become convoluted due to differences in custom, language, and law.<sup>1</sup> These incidents are complicated further when the individual is a foreign official who claims to be entitled to some form of diplomatic immunity. When faced with such a situation, is it

possible for a police officer to determine whether or not someone is entitled to the immunity they claim? If so, is the immunity absolute? If not, what are the limitations, if any, on police with regard to searches and seizures as it relates to the foreign official?

Although many believe these issues are reserved for large police departments in Washington, D.C., New York, and Los Angeles, the fact is that foreign government officials and their families often travel

throughout the United States on official and unofficial business. According to the U.S. Department of State, more than 100,000 representatives of foreign governments are in the United States.<sup>2</sup> Many of these individuals are afforded some degree of criminal immunity. Accordingly, it is important for all law enforcement officers to be familiar with the myths and realities of diplomatic immunity. This article provides a general overview and offers practical guidance regarding foreign-official immunity from criminal jurisdiction<sup>3</sup> as it relates to law enforcement officers in the United States.<sup>4</sup>

## BACKGROUND

Diplomatic immunity is one of the oldest principles of international law, which dates back to the ancient governments of Greece and Rome.<sup>5</sup> Until the 18th century, diplomatic immunity was generally accepted as a fundamental part of foreign relations based on international custom and practice. In 1708, England formally recognized diplomatic immunity, and, in 1790, the United States followed suit by passing legislation that granted absolute immunity to diplomats, their family members, and staff.<sup>6</sup> Most people in America today erroneously believe that foreign officials still are afforded absolute immunity from the law for any criminal conduct. In reality,



*Special Agent Rudd serves as a legal instructor at the FBI Academy.*

**“  
...law enforcement  
officers should remember  
that the individual is an  
official representative of  
the foreign government  
and should be granted  
the appropriate degree  
of respect.  
”**

the extent of criminal immunity has been greatly reduced by modern treaties and laws.

In the 1960s, two important conferences took place in Vienna, Austria, where officials from over 90 nations, including the United States, met to discuss and formalize international relations, particularly with regard to the roles, rules, and regulations of diplomatic and consular officials. These conferences resulted in the creation of two multilateral treaties: the 1961 Vienna Convention on Diplomatic Relations (VCDR)<sup>7</sup> and the 1963 Vienna Convention on Consular Relations (VCCR).<sup>8</sup> In addition to these treaties, the U.S. Congress enacted the Diplomatic Relations Act of 1978<sup>9</sup> and the International Organizations Immunities Act of 1945.<sup>10</sup> These treaties and statutes, along with additional bilateral agreements between the United States and various other countries, comprise the complex set of rules

and regulations that detail the specific types of immunity foreign officials enjoy while in the United States. The effect of these conventions, treaties, statutes, and agreements has been to reduce the degree of criminal immunity enjoyed by visiting foreign officials, their family members, and staff.<sup>11</sup>

## **LEVELS OF IMMUNITY**

Although the exact level of immunity granted to any given foreign official is not as easily discernable as law enforcement officers would like, in general, there are three levels of immunity from criminal jurisdiction that will serve to direct law enforcement in appropriately dealing with issues of immunity.<sup>12</sup>

### **Full Immunity**

The first level of immunity, and the one most commonly associated with the term diplomatic immunity, is full immunity.

As a general rule, persons with full immunity are not subject to the criminal jurisdiction of the United States and, therefore, may not be arrested or significantly detained. Their residences, property, papers, and vehicles may not be entered, confiscated, or searched. Moreover, they may not be forced to testify or otherwise provide evidence in any criminal proceeding and are free from all criminal prosecution.<sup>13</sup>

Although full immunity appears to be fairly absolute, there are some qualifications on the actual extent of that immunity. For example, stopping foreign officials or dependents, even if they have full immunity, to issue a traffic citation for a moving violation is permissible and does not constitute an arrest or significant detention.<sup>14</sup> Additionally, the existence of full immunity does not bar police officers from attempting to interview the subject or obtain consent to search, just as they would in a regular situation. And, of particular importance is the well-established notion that when confronted with a subject entitled to full immunity, police officers do not forfeit the right to defend the safety and welfare of the people they have been sworn to protect. “[I]n circumstances where public safety is in imminent danger or it is apparent that a grave crime may otherwise be committed, police



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authorities may intervene to the extent necessary to halt such activity.”<sup>15</sup>

### Official Acts Immunity

The second and more restrictive level of immunity is known as official acts immunity. Individuals with official acts immunity are generally subject to the regular demands of the law—they may be arrested and detained (In some cases, judicial orders may be required).<sup>16</sup> Their residences, property, papers, and vehicles may be entered, confiscated, and searched.<sup>17</sup> However, they are not obligated to testify or otherwise provide evidence in a criminal proceeding regarding matters involving their official duties. Additionally, they may not be prosecuted for criminal acts arising from the performance of official duties. Whether or not an individual is deemed to have been acting in an official capacity generally is considered an affirmative defense that must be raised by the defendant and determined by the U.S. court with subject-matter jurisdiction over the alleged crime.<sup>18</sup>

### No Immunity

Third, not everyone affiliated with an embassy, consulate, or international organization is entitled to immunity. In fact, a number of such individuals have no immunity whatsoever. In particular, most foreign

officials, their family, and staff members who are U.S. citizens or permanent resident aliens are not entitled to the privileges and immunities discussed herein.<sup>19</sup>

**“  
...not everyone  
affiliated with an  
embassy, consulate,  
or international  
organization is  
entitled to immunity.  
”**

### TYPES OF FOREIGN OFFICIALS

The level of immunity, if any, afforded to an individual is based on the place the person works and the nature of the position the person holds. Three general types of foreign officials are entitled to special privileges and immunities within the United States—Diplomatic; Consular; and International Organizations. The level of immunity afforded individuals within each of these groups depends on a number of factors, including the relationship between the foreign country and the United States, the position and function of the individual granted immunity, and the laws governing

the different types of foreign officials.<sup>20</sup>

### Diplomatic

“Diplomatic missions are traditionally the principal communication link between the country that sends them and the host country. Accordingly, the staffs of diplomatic missions (embassies) are afforded the highest level of privileges and immunities.”<sup>21</sup> Members of diplomatic missions who “perform tasks critical to the inner workings of the embassy” enjoy full immunity.<sup>22</sup> This includes diplomatic agents and their family members, as well as members of the administrative and technical staff and their families.<sup>23</sup> Members of the service staff who perform less critical support tasks (e.g., guards, drivers, couriers) have official acts immunity from criminal prosecution only, and their family members enjoy no immunity. Unless specifically agreed to by the United States, the private servants of diplomatic officials (e.g., nannies, cooks, maids) enjoy no immunity.<sup>24</sup>

### Consular

“Consulate personnel perform a variety of functions.... Countries have long recognized the importance of consular functions to their overall relations, but consular personnel generally do not have



the principal role of providing communication between the two countries—that function is performed by diplomatic agents....”<sup>25</sup> Accordingly, consular officials (whether they be career consular officers,<sup>26</sup> honorary consular officers,<sup>27</sup> or consular employees) are generally granted only official acts immunity.<sup>28</sup> Moreover, consular family members are afforded no immunity.

## International Organizations


The majority of members of international organizations that have offices in the United States are afforded the more limited official acts immunity. “In certain cases, however, the most senior executives of such organizations have been accorded privileges and immunities equal to those afforded diplomatic agents.”<sup>29</sup> Family members of

officials of international organizations are generally afforded no immunity unless the official is afforded full immunity, in which case the same immunity would be extended to their family. For a quick-reference guide regarding the privileges and immunities, see Figure A.<sup>30</sup>

## WAIVER OF IMMUNITY

Privileges and immunities are extended from country

Figure A

<div>  <div>           DIPLOMATIC AND CONSULAR PRIVILEGES &amp; IMMUNITIES FROM CRIMINAL JURISDICTION  <b>LAW ENFORCEMENT ASPECTS SUMMARY</b> </div> </div>							
Category		Arrested or Detained?	Enter Residence Subject to Ordinary Procedures?	Issued Traffic Citation?	Subpoenaed as Witness?	Prosecuted?	Recognized Family Member?
International Organizations	International Organization Staff <sup>1</sup>	Yes	Yes	Yes	No—for official acts. Yes, in all other cases.	Official acts immunity. Consult Dept. of State.	No immunity or inviolability.
	Diplomatic-Level Staff of Missions to International Organizations	No <sup>1</sup>	No	Yes	No	No	Same as sponsor (full immunity and inviolability).
	Support Staff of Missions to International Organizations	Yes	Yes	Yes	No—for official acts. Yes, in all other cases.	Official acts immunity. Consult Dept. of State.	No immunity or inviolability.
Diplomatic	Diplomatic Agent	No <sup>1</sup>	No	Yes	No	No	Same as sponsor (full immunity and inviolability).
	Member of Administrative and Technical Staff	No <sup>1</sup>	No	Yes	No	No	Same as sponsor (full immunity and inviolability).
	Service Staff <sup>2</sup>	Yes	Yes	Yes	Yes	Official acts immunity. Consult Dept. of State.	No immunity or inviolability.
Consular	Career Consular Officers <sup>3</sup>	No, except in the case of a felony and pursuant to a warrant.	Yes <sup>4</sup>	Yes	No—for official acts. Testimony may not be compelled in any case.	Official acts immunity. Consult Dept. of State.	No immunity or inviolability.
	Honorary Consular Officers	Yes	Yes	Yes	No—for official acts. Yes, in all other cases.	Official acts immunity. Consult Dept. of State.	No immunity or inviolability.
	Consular Employees <sup>3</sup>	Yes	Yes	Yes	No—for official acts. Yes, in all other cases.	Official acts immunity. Consult Dept. of State.	No immunity or inviolability.

<sup>1</sup> Reasonable constraints, however, may be applied in emergency circumstances involving self-defense, public safety, or the prevention of serious criminal acts.

<sup>2</sup> This table presents general rules. The employees of certain foreign countries may enjoy **higher** levels of privileges and immunities on the basis of special bilateral agreements.

<sup>3</sup> A small number of senior officers are entitled to be treated identically to “diplomatic agents.”

<sup>4</sup> Note that consular residences are sometimes located within the official consular premises. In such cases, **only** the official office space is protected from police entry.

Direct questions or inquiries to the Diplomatic Security Command Center.

Call **571-345-3146** or Toll free to **1-866-217-2089**

Available 24 hours daily

**CONSULAR NOTIFICATION**

Assistance with consular notification procedures following the arrest or detention of a foreign national.

Business hours:	202-647-4415
After-hours:	202-647-1512
Fax Number:	202-647-7559

**IMMUNITY ISSUES**

Contact the Office of Protocol: Diplomatic Affairs

**202-647-1727**

DEPARTMENT OF STATE  
BUREAU OF DIPLOMATIC SECURITY  
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to country—not from country to foreign official. Therefore, the foreign government actually holds the privilege, not the foreign official. As such, foreign governments can, and in some cases do, waive immunity.<sup>31</sup> Of particular importance to law enforcement, the Department of State has advised that “[p]olice authorities should never address the alleged commission of a crime by a person enjoying full criminal immunity with the belief that there is no possibility that a prosecution could result. The U.S. Department of State requests waivers of immunity...where the prosecutor advises that, but for the immunity, charges would be pursued. In serious cases, if a waiver is refused, the offender will be expelled from the United States and the Department of State will request that a warrant be issued and appropriate entries to the National Crime Information Center (NCIC) database be made by the responsible jurisdiction.”<sup>32</sup> The Department of State further has emphasized that “effective and informed police work becomes the basis of the prosecutor’s decision and the foundation for the Department of State’s waiver requests and any subsequent prosecutions or expulsions.”<sup>33</sup>

## IDENTIFICATION OF FOREIGN OFFICIALS

When law enforcement officers confront foreign officials

claiming criminal immunity, it is imperative that they promptly and accurately determine the status of the individual.<sup>34</sup> Foreign officials, their family members, and staff possess various documents that may identify them as a foreign official; however, only one is determinative



of immunity status—the identification card issued by the Department of State or, when dealing with members of the United Nations, the U.S. Mission to the United Nations.<sup>35</sup> Currently, the cards have a blue (diplomatic), green (official), or red (consular) border.<sup>36</sup> The front of the card displays the Department of State or United Nations seal, along with a photograph of the foreign official and their identifying information. A brief statement of the bearer’s criminal immunity is printed on the back of the card, along with a space for the bearer’s signature.<sup>37</sup>

Foreign diplomatic passports, U.S. diplomatic visas, and tax exemption cards, as well as

Department of State-issued vehicle registration, license plates, and driver’s licenses, may be an indication that the bearer is entitled to some form of privileges and immunities; however, these are not conclusive proof of immunity and should not be used to verify immunity.<sup>38</sup> Moreover, just because an individual claiming immunity does not have an identification card does not necessarily mean they do not have immunity. There are a number of temporary-duty personnel and other short-term visitors who are afforded differing levels of immunity and may not have received an identification card.<sup>39</sup> This fact highlights the need to contact the Department of State when verifying immunity status.<sup>40</sup>

“The U.S. Department of State’s vehicle registration and driver license status records are available to law enforcement agencies through the National Law Enforcement Telecommunications System (NLETS).”<sup>41</sup> Foreign officials are required to display official diplomatic plates on their vehicles. Beginning in August 2007, the Department of State began issuing newly designed diplomatic license plates. Old-style plates will remain in use until December 31, 2008. The new diplomatic plates, like the old ones, will begin with a designator of D (diplomat), C (consular officer), or S (technical and administrative staff) followed

by a two-letter country scramble code. United Nations plates continue to follow a reverse format, ending with the one letter designator D or S and preceded by a two-letter country scramble code. See figure B for samples of the old and new license plates.

## PRACTICAL APPLICATION

As a practical matter, foreign officials, their family members, and staff are rarely involved in criminal activities. When they are, however, police officers should know how to respond and be familiar with the legal and diplomatic protocols. Most violations by foreign officials involve traffic

infractions (illegal parking, speeding, reckless driving, and DWI), shoplifting, and assault.<sup>42</sup> When encountering suspects who claim to have criminal immunity, police officers can meet their duty to protect the public and their obligation to uphold the law by following some basic steps.

- 1) Proceed as usual in accordance with standard operating procedures and the law to ensure the safety of everyone involved.
- 2) As soon as possible under the circumstances, verify the subject's status and respective level of immunity. Whether or not the suspect is able to produce the

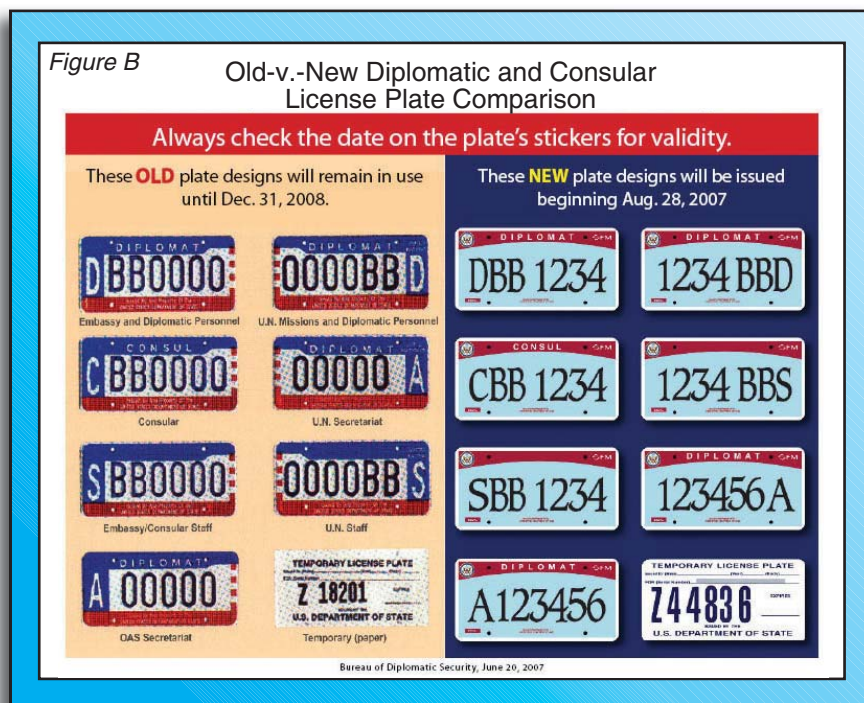
Department of State-issued identification card, police officers should verify the individual's status by contacting the Department of State or U.S. Mission to the United Nations, as the case may be.<sup>43</sup> "[R]epresentatives are available 24-hours daily to assist in emergency situations and when immediate confirmation of a person's status is required."<sup>44</sup> See figure C for contact information.<sup>45</sup>

- 3) If the individual has full immunity, he or she should not be handcuffed unless the person poses an immediate threat to safety. Additionally, the individual may not be arrested or otherwise significantly detained. Accordingly, once all pertinent information is obtained, the subject must be released. If, however, the subject is unable to drive safely, the person should obviously not be allowed to drive.<sup>46</sup>

- 4) Prepare a detailed report fully describing the incident and, thereafter, fax or mail a copy of the report to the U.S. Department of State in Washington, D.C., or to the U.S. Mission to the United Nations in New York.

## CONCLUSION

It is important to note that "[d]iplomatic immunity is not intended to serve as a license



for persons to flout the law and purposely avoid liability for their actions. The purpose of these privileges and immunities is not to benefit individuals but to ensure the efficient and effective performance of their official missions on behalf of their governments.”<sup>47</sup> The overwhelming majority of foreign officials are mindful of the need to obey the law and are committed to maintaining healthy diplomatic relations with the United States. Likewise, when handling incidents involving foreign officials, law enforcement officers should remember that the individual is an official representative of the foreign government and should be granted the appropriate degree of respect. Law enforcement officers also should promptly ascertain the level of immunity afforded such individuals, if any, and understand its parameters so that the officer can appropriately and effectively enforce the law. ♦

#### Endnotes

<sup>1</sup> As discussed in a previous article, special obligations regarding foreign government notification and access exist when police officers arrest or otherwise significantly detain a foreign national in the United States. See Jonathan L. Rudd, “Consular Notification and Access: The ‘International Golden Rule,’” *FBI Law Enforcement Bulletin*, January 2007, 22-32.

<sup>2</sup> U.S. Department of State, *Diplomatic and Consular Immunity: Guidance for Law Enforcement and Judicial Authorities*, (Revised May 1998), page 1 of a 26-page booklet, (hereafter *Diplomatic and Consular Immunity*).

<sup>3</sup> The purpose of this article is to focus on the concept of immunity from criminal jurisdiction, and, therefore, the issue of immunity from civil jurisdiction, which has many parallels but is a distinct and separate matter, will not be addressed herein.

<sup>4</sup> For a more detailed discussion of this topic, see *Diplomatic and Consular Immunity*.

<sup>5</sup> For an extensive historical review of diplomatic immunity, see Linda S. Frey and Marsh L. Frey, Ohio State University, *The History of Diplomatic Immunity* (1999).

<sup>6</sup> *Diplomatic and Consular Immunity*, at 2.

<sup>7</sup> *Vienna Convention on Diplomatic Relations*, Apr. 18, 1961 23 U.S.T. 3227; T.I.A.S. 7502; 500 U.N.T.S. 95, which entered into force in the United States

in 1972. For a comprehensive overview of the VCDR, see Eileen Denza, *Diplomatic Law: A Commentary on the Vienna Convention on Diplomatic Relations*, 2nd edition (1998).

<sup>8</sup> *Vienna Convention on Consular Relations*, Apr. 24, 1963, 21 U.S.T. 77; T.I.A.S. No. 6820; 596 U.N.T.S. 261, which officially became U.S. law as a treaty in 1969.

<sup>9</sup> 22 U.S.C., § 254.

<sup>10</sup> 22 U.S.C. § 288. While not steeped in the same historical tradition of international common law and practice as consular and diplomatic immunity, a relatively new phenomenon in the area of foreign official immunity has been the emergence of international organizations like the United Nations. Members of international organizations receive privileges and immunities as directed by treaties and by the

Figure C

### Immunity Issues: Telephone Numbers

State Department representatives are available 24-hours daily to assist in emergency situations and when immediate confirmation of a person's diplomatic or consular immunity status is required.

#### For information on diplomatic and consular personnel and personnel of International organizations other than the United Nations:

<b>During Normal Business Hours:</b>	
U.S. Department of State federal license tags, registrations, or other motor vehicle information	202 895-3532 Fax 202 895-3646
U.S. Department of State drivers licenses and general licensing information	202 895-3521
For reporting traffic incidents or accidents, issuance of citations, etc., involving foreign missions personnel	202 895-3521
Diplomatic agents and family members	202 647-1664
Embassy administrative, technical, and service staff and families	202 647-1405
Consular personnel and families	202 647-1404
International Organizations	202 647-1402
Please send copies of incident reports and citations to: Diplomatic Security Service, Protective Liaison Division	Fax 202 895-3613

**After Normal Business Hours:**  
All inquiries should be made to the Diplomatic Security Command Center, Department of State (operates 24 hours daily)  
571 345-3146  
1-866-217-2089

#### For information on United Nations personnel only:

<b>During Normal Business Hours:</b>	
Diplomatic agents and family members	212 415-4131
U.N. Mission staff and family members	212 415-4168
U.N. Secretariate employees	212 415-4131 or 212 415-4168
U.S. Department of State license tags, registration, or other motor vehicle information	212 826-4500
<b>After Normal Business Hours:</b>	
Information is available from the Communications Section of the U.S. United Nations (operates 24 hours daily)	212 415-4444
Please send copies of police reports to: USUN Host Country	212 415-4162



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International Organizations Immunities Act. See, Grant V. McClanahan, *Diplomatic Immunity: Principals, Practices, Problems* (New York, NY: St. Martin's Press, 1989).

<sup>11</sup> *Diplomatic and Consular Immunity*, at 2.

<sup>12</sup> See Eric Moore, Regional Organized Crime Information Center (ROCIC) Special Research Report, *Diplomatic Immunity: Rules of Engagement for Law Enforcement* (2004), 3-4; and Clay Hays, Diplomatic Motor Vehicle Office, U.S. Department of State, *What Is Diplomatic Immunity?* (March 2000); <http://www.calea.org>.

<sup>13</sup> *Diplomatic and Consular Immunity*, at 4, 5.

<sup>14</sup> "A copy of the citation and any other documentation regarding the incident should be forwarded to the U.S. Department of State as soon as possible." Although someone with immunity may not be subject to the penalty, the U.S. Department of State issues driver licenses to all foreign officials and tracks driver histories and, where necessary, suspends licenses, issues points, and directs persons to leave the country. First-time offenders as well as repeat offenders are subject to having their licenses suspended or revoked. However, this can occur only if police officers notify the State Department using the phone number on the back of the Department of State drivers license when there is a violation. *Diplomatic and Consular Immunity*, at 17. See the Practical Applications section of this article, step 4.

<sup>15</sup> *Diplomatic and Consular Immunity*, at 14.

<sup>16</sup> Career consular officers may be arrested only for felony offenses if the arrest is based on a warrant issued by a judicial officer or similar judicial order. See *Id.* at 6, 7.

<sup>17</sup> Provided these items are not within the embassy grounds.

<sup>18</sup> Law enforcement officers, Department of State officers, or diplomatic mission or consulate officers generally are not authorized to determine whether a given set of facts constitutes an official act.

*Diplomatic and Consular Immunity*, at 6, 7.

<sup>19</sup> "A member of a mission, other than a diplomatic agent, permanently resident in, the United States for purposes of Article 38(2) of the VCDR and Article 71(2) of the VCCR enjoys no privileges and immunities pursuant to the Vienna Conventions." *Id.* at 5, at footnote 4. However, see *infra* note 27.

<sup>20</sup> Members of diplomatic missions and their affiliates are granted varying levels of privileges and immunities under the VCDR and the Diplomatic Relations Act (22 U.S.C. § 254); members of consular posts attain their privileges and immunities from the VCCR; and members of international organizations receive any privileges and immunities as directed by the International Organizations Immunities Act. In addition to these laws and treaties, the United States has entered into bilateral treaties with certain countries, which provide for differing levels of immunity in accordance with the individual treaties.

<sup>21</sup> *Diplomatic and Consular Immunity*, at 4.

<sup>22</sup> *Id.* at 5.

<sup>23</sup> "The United States defines members of the household to include: spouses, children until the age of 21 (until the age of 23 if they are full-time students at an institution of higher learning), and such other persons expressly agreed to by the U.S. Department of State in extraordinary circumstances." *Diplomatic and Consular Immunity*, at 5, footnote 3.

<sup>24</sup> *Diplomatic and Consular Immunity*, at 4, footnote 2.

<sup>25</sup> *Id.* at 6.

<sup>26</sup> For a distinction regarding career consular officers, see *supra* note 16.

<sup>27</sup> Honorary consular officers are U.S. citizens or permanent resident aliens who are granted official acts immunity for acts performed in their official capacity only. *Diplomatic and Consular Immunity*, at 7.

<sup>28</sup> Some countries have special bilateral agreements with the United States granting greater immunity to consular officials. "Law enforcement officers should be aware that these arrangements

are not uniform and the State Department identification cards issued to these persons reflect the appropriate level of immunity." *Diplomatic and Consular Immunity*, at 8.

<sup>29</sup> "This is the case for the Secretary General of the United Nations and for all Assistant Secretaries-General of the United Nations, Principal Resident Representatives of the International Monetary Fund and the World Bank, as well as some senior officials of the Organization of American States secretariat." *Id.* at 8.

<sup>30</sup> Diplomatic and Consular Privileges and Immunities from Criminal Jurisdiction: Summary of Law Enforcement Aspects. *Diplomatic and Consular Immunity*, at 26.

<sup>31</sup> *Diplomatic and Consular Immunity*, at 6.

<sup>32</sup> *Id.*

<sup>33</sup> *Id.*

<sup>34</sup> *Id.* at 10.

<sup>35</sup> *Id.*

<sup>36</sup> The State Department is beginning to issue new identification cards that will differ from the traditional cards described.

<sup>37</sup> *Diplomatic and Consular Immunity* at 10.

<sup>38</sup> *Id.* at 13, 14.

<sup>39</sup> *Id.* at 6, 8, 9.

<sup>40</sup> See Practical Applications section of this article, step 2.

<sup>41</sup> *Diplomatic and Consular Immunity*, at 12.

<sup>42</sup> *Id.* at 16.

<sup>43</sup> *Id.*

<sup>44</sup> *Id.* at 12.

<sup>45</sup> *Id.* at 13.

<sup>46</sup> Standard field sobriety tests may be offered to people who enjoy full immunity; however, they may not be compelled. *Diplomatic and Consular Immunity*, at 17.

<sup>47</sup> *Diplomatic and Consular Immunity*, at 2.

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*Law enforcement officers of other than federal jurisdiction who are interested in this article should consult their legal advisors. Some police procedures ruled permissible under federal constitutional law are of questionable legality under state law or are not permitted at all.*

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# The Bulletin Notes

Law enforcement officers are challenged daily in the performance of their duties; they face each challenge freely and unselfishly while answering the call to duty. In certain instances, their actions warrant special attention from their respective departments. The *Bulletin* also wants to recognize those situations that transcend the normal rigors of the law enforcement profession.



Officer Griffin

One night while investigating a report of armed prowlers, Officer Dewayne Griffin of the Amarillo, Texas, Police Department noticed a nearby house on fire. A man indicated that his elderly mother was trapped inside. Bars on all of the windows prevented entry or escape. Officer Griffin entered the house through a door but was forced out by the heavy black smoke. After the son provided a better description of the woman's exact location, Officer Griffin entered and began crawling through the home, feeling his way along walls. Finally, he saw the victim's legs; she was standing in a doorway. Immediately, Officer Griffin stood up and carried her outside to safety.



Sergeant Miffitt



Officer Grady

During a violent thunderstorm with heavy rainfall, three youths decided to enter a river to cool off, unaware that it had become a torrent because of the storm. After quickly being swept downstream and becoming trapped in a culvert adjacent to a local business, they began crying for help. Sergeant Paul Miffitt and Officer James Grady of the Vernon, Connecticut, Police Department responded and located the three individuals in 4 feet of flood water; one of the youths was being pulled under the surface. Disregarding their own safety, Sergeant Miffitt and Officer Grady jumped in and held the three individuals. Bystanders threw in ropes and helped rescue the youths before the officers became trapped themselves. Officer Grady was pulled out by ropes. After being struck by floating debris, Sergeant Miffitt was carried downstream through a covered culvert before department personnel rescued him.

Nominations for the ***Bulletin Notes*** should be based on either the rescue of one or more citizens or arrest(s) made at unusual risk to an officer's safety. Submissions should include a short write-up (maximum of 250 words), a separate photograph of each nominee, and a letter from the department's ranking officer endorsing the nomination. Submissions should be sent to the Editor, *FBI Law Enforcement Bulletin*, FBI Academy, Law Enforcement Communication Unit, Hall of Honor, Quantico, VA 22135.

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The following information was obtained from the review of the records of the Department of Social Services, Division of Child Welfare, dated 12/15/1977:

03/07